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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,702	06/24/2003	Roland Hahn	033171-47	7556
25570 7590 08/13/2009 ROBERT'S MLOTKOWSKI SAFRAN & COLE, P.C. Intellectual Property Department P.O. Box 10064 MCLEAN, VA 22102-8064				
EXAMINER DESAL, ANISH P				
ART UNIT 1794		PAPER NUMBER		
NOTIFICATION DATE 08/13/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/601,702

Applicant(s)

HAHN, ROLAND

Examiner

ANISH DESAI

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,7-11,15,17 and 19-26 is/are pending in the application.
4a) Of the above claim(s) 8-11 and 19-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,7,15 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's arguments in response to the Office action dated 02/20/09 have been fully considered.
2. The 35 USC Section 112-second paragraph rejections are withdrawn in view of the present amendment and response. However, in view of the newly amended claims, a new 35 USC Section 112-second paragraph rejections are made.
3. All of the previously made art rejections are maintained.
4. A new 35 USC Section 102(a) rejection based on WO 02/49866 is made. US Patent 7,422,788B2 to Hahn et al. is relied upon as an equivalent document for convenience. It is noted that applicant has claimed foreign priority to DE 102 286 614.0 (filing date 06/26/02), however applicant has not provided certified English translation of said foreign priority. If applicant provides such certified translation, then this rejection may be overcome.
5. A new obviousness type double patenting rejection is made. Since this rejection was not necessitated by applicant's amendment, this Office action is made Non-Final.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 3, 4, 7, 15, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Regarding newly amended claim 1 recitation "the first adhesive surface being ***attached to a sealing element***", it is noted that the preamble of claim 1 is directed to "Adhesive tape ***for attachment of a sealing element***,...". Based on this, it is not clear as to whether applicant intends to claim the adhesive tape in combination with the sealing element.
8. Applicant is reminded that if applicant now wishes to claim the adhesive tape in combination with the sealing element, then it may raise an issue of election by original presentation since applicant has received an action on the merits for the "Adhesive tape" (see MPEP 821.03).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. Claims 1, 3, 4, 7, 15, and 17 are rejected under 35 U.S.C. 102(a) as being anticipated by Hahn (WO 02/49866 A1) in view of the evidence given in titled "Wacker® PRIMER G 718". US 7,422,788B2 to Hahn et al. is relied upon as an equivalent document for convenience.

10. Hahn teaches a double sided adhesive tape for fixing a sealing element in place wherein the sealing element is formed of silicone (abstract). Additionally, the adhesive tape of Hahn comprises a carrier element (column 2 lines 1-15), first and second self-sticking adhesive surfaces, one on each side of the carrier element (abstract and column 1 lines 55-67 to column 2 lines 1-15). The first adhesive surface of Hahn is formed of a mixture of silicone cement and other cement, where the silicone cement is crosslinked (column 2 lines 15-32). Additionally, the double-sided adhesive tape of Hahn comprises a primer layer (intermediate adhesion layer) between the first self-sticking adhesive surface and the carrier element (column 2 lines 9-15). Moreover, the carrier element of Hahn is formed of acrylate foam and the acrylate foam forms the second self-sticking adhesive surface (column 2 lines 65 to column 3 lines 1-9).

Additionally, column 4 lines 67 to column 5 lines 1-5 of Hahn discloses that the primer used in his invention is a known under the trade name G 718 from Wacker Chemie. This primer is known to form a silicone film as evidenced by a handout titled "Wacker® PRIMER G 718" (copy provided). Further, the carrier element of Hahn is formed of a tape and the adhesive surface preferably extends over the entire length of the sealing element (see Figures 2 and 4 and column 3 lines 1-10).

11. Accordingly, Hahn anticipates the claimed invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1, 3, 4, 7, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mazurek et al. (US 5,264,278) in view of Inouye et al. (US 5,112,682).

13. Regarding claim recitation "for attachment of a sealing element made...to an application site" is interpreted as an intended use of the adhesive tape. As such the sealing element is not considered to be a structural part of the adhesive tape that is claimed.

14. With respect to claims 1 and 4, Mazurek discloses an adhesive tape comprising a foam backing (carrier element), wherein the foam backing is formed of acrylate (column 13 lines 35-60). Since Mazurek and applicant both disclose acrylate foam, it is clear that the acrylate foam of the carrier element of Mazurek forms the second self-sticking adhesive surface. Additionally, Mazurek discloses a layer of acrylate/silicone PSA on both sides of the foam layer (abstract and column 4 lines 42-43). Further, the disclosure of Mazurek at column 14 lines 60-68 relating to crosslinking of silicone polymers is interpreted to read on silicone cement is crosslinked as presently claimed. With respect to claim 3, at column 3 lines 25-47 of Mazurek discloses a hybrid adhesive system containing acrylate and silicone. The hybrid adhesive system of Mazurek exhibits both improved adhesion to paint surfaces and cold slam performance particularly at short dwell times without loss of other critical properties. Additionally, at column 1 lines 15-25, Mazurek discloses that adhesive tapes are finding use in applications such as body sealing weatherstripping. Regarding claim 15, the foam layer of Mazurek is equated to meet said claim.

15. Mazurek is silent as to teaching an intermediate adhesion layer between the carrier element and the first adhesive surface.

16. However, Inouye discloses a primer composition (equated to an intermediate adhesion layer that is formed by a film that is capable of imparting good adhesion to even hardly adherable plastics such as polyolefins (abstract and column 1 lines 1-10).

17. Additionally at column 8 lines 5-28, Inouye discloses following:

The primer of this invention, when coated on the surfaces of various materials, can impart adhesion on the surfaces. In particular, it is effective in instances in which so-called hardly adherable plastics such as polyethylene, polypropylene, Teflon, polyphenylene sulfide, polyethylene terephthalate, modified polyphenylene ether, polybutylene terephthalate, polyacetal, polycarbonate and nylon are adhered to the like materials or other materials with use of a silicone adhesive, polyurethane adhesive, polysulfide adhesive, modified silicone adhesive or epoxy adhesive, or in instances in which a silicone sealant, coating medium, potting medium or the like is adhered to the surfaces of the above slightly adherent materials. Among these, it is particularly effective when the silicone adhesive, sealant, coating medium or potting medium is used.

The above silicone adhesive, sealant, coating medium or potting medium may include, for example, room temperature curing silicones and heat curing silicones. They are exemplified by KE45, Sealant 72, Sealant 90, Sealant 70, Sealant 80, KE3497 and KE3498, which are commercially available products of Shin-Etsu Chemical Co., Ltd.

18. _____

19. It is noted that the carrier element of Mazurek is formed of plastics such as polyethylene and polypropylenes (column 13 lines 34-37). Thus, based on the aforementioned disclosure of Inouye, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the primer layer of Inouye in the invention of Mazurek, motivated by the desire to suitable adhesion between the backing (carrier element) of Mazurek and the adhesive layer.

20. Claims 1, 7, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hauptman (US 4,356,676) in view of Inouye et al. (US 5,112,682).

21. Regarding claim recitation “for attachment of a sealing element made...to an application site” is interpreted as an intended use of the adhesive tape. As such the sealing element is not considered to be a structural part of the adhesive tape that is claimed.

22. Hauptman discloses a sealant strip (equated to adhesive tape) having a foamed resin core (equated to carrier element) comprising a **cured** silicone rubber sealing layers on two surface of the core (abstract and column 2 lines 55-60) (equated to a first and second self-sticking adhesive surfaces, one on each side of the carrier element and cross-linked silicone cement). It is further submitted that applicant has not cited any particular composition related to the silicone cement other than reciting “silicone cement”. Therefore, the cured silicone rubber sealing layer of Hauptman is equated to read on the silicone cement as claimed.

23. The difference between the claimed invention and the prior art of Hauptman is that Hauptman is silent as to teaching “an intermediate adhesion layer between the first self-sticking adhesive surface and the carrier element”.

24. However, Inouye discloses a primer composition (equated to an intermediate adhesion layer that is formed by a film) that is capable of imparting good adhesion to even hardly adherable plastics such as polyolefins (abstract and column 1 lines 1-10).

25. Additionally at column 8 lines 5-28, Inouye discloses following:

The primer of this invention, when coated on the surfaces of various materials, can impart adhesion on the surfaces. In particular, it is effective in instances in which so-called hardly adherable plastics such as polyethylene, polypropylene, Teflon, polyphenylene sulfide, polyethylene terephthalate, modified polyphenylene ether, polybutylene terephthalate, polyacetal, polycarbonate and nylon are adhered to the like materials or other materials with use of a silicone adhesive, polyurethane adhesive, polysulfide adhesive, modified silicone adhesive or epoxy adhesive, or in instances in which a silicone sealant, coating medium, potting medium or the like is adhered to the surfaces of the above slightly adherent materials. Among these, it is particularly effective when the silicone adhesive, sealant, coating medium or potting medium is used.

The above silicone adhesive, sealant, coating medium or potting medium may include, for example, room temperature curing silicones and heat curing silicones. They are exemplified by KE45, Sealant 72, Sealant 90, Sealant 70, Sealant 80, KE3497 and KE3498, which are commercially available products of Shin-Etsu Chemical Co., Ltd.

26. It is noted that the primary reference of Hauptman applies a cured silicone sealing layer to a core (abstract) that is formed of plastic materials. Secondary reference of Inouye discloses a primer layer that can be used to bond plastic material to adhesive/sealants that are based on silicone. Further, at column 8 lines 29-31, Inouye discloses that the primer of his invention is also effective for adhesion of plastics other than the above hardly adherable materials..."

27. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the primer layer of Inouye in the invention of Hauptman, motivated by the desire to provide suitable adhesion between the core of Hauptman and the sealing layer.

28. Regarding claims 15, the foam core of Hauptman is equated to meet claim 15. .

29. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hauptman (US 4,356,676) in view of Inouye et al. (US 5,112,682) as applied to claim 1 above, and further in view of Mazurek et al. (US 5,264,278).

30. Hauptman is silent as to teaching claim 3.

31. However, Mazurek discloses radiation curable acrylate/silicone PSA coated tapes (abstract and title). Further, at column 3 lines 25-47 of Mazurek discloses a hybrid adhesive system containing acrylate and silicone. The hybrid adhesive system of Mazurek exhibits both improved adhesion to paint surfaces and cold slam performance particularly at short dwell times without loss of other critical properties. Additionally, at column 1 lines 15-25, Mazurek discloses that adhesive tapes are finding use in applications such as body sealing weatherstripping.

32. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select the first self-sticking surface as that of claimed by

the presently claimed invention, because selection of a known material based on its suitability for its intended use establishes a *prima facie* case of obviousness.

33. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hauptman (US 4,356,676) in view of Inouye et al. (US 5,112,682) as applied to claim 1 above, and further in view of Johnston et al. (WO 99/16618), where US 6,284,360B1 to Johnson et al. is relied upon as an equivalent document for convenience.

34. Hauptman as modified by Inouye is silent as to teaching claim 4.

35. However, Johnson discloses a multilayer tape having a core and a layer of sealant applied to the core layer (abstract and title). As the core layer, Johnson discloses various foam layers that can be used including acrylic foam (abstract, column 3 lines 40-50, and column 9 lines 6-65). Further, at column 7 lines 48 to column 8 line 32, Johnston discloses various advantages of core layer such as ability of the core layer to support sealant layer, core layer acting as an internal vibration damper etc.

36. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select the acrylate foam, because selection of a known material based on its suitability for its intended use establishes a *prima facie* case of obviousness. Alternatively, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the acrylate foam core as taught by

Johnson, motivated by the desire to provide support to the sealant layer, damp the internal vibration in order to minimize noise associated with variable frequency noise associated with variable frequency substrate movement once the two substrates have been sealed together.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

37. Claims 1, 3, 4, 7, 15, and 17 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 7,422,788B2 to Hahn. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following explanation.

38. The Examiner submits that claims 1-13 of the aforementioned US patent disclose adhesive tape that significantly overlaps with the adhesive tape of the presently claimed invention. However, the patent claims are drawn to seal arrangement and openable motor vehicle roof while the present claims are drawn to adhesive tape. Further, there is no disclosure in the patent claims that the primer is formed by a film. However, aforementioned claims of the present invention and that of the US Patent are not patentably distinct from each other because while Hahn discloses seal arrangement and openable motor vehicle roof, said seal arrangement and roof each comprise a double-sided adhesive tape having a carrier element, wherein the carrier element located between two self-sticking adhesive surfaces, wherein the carrier element is formed by a by a flexible tape including acrylate foam. Further, one of the two self-sticking adhesive surfaces is formed at least partially of silicone cement which is crosslinked. Additionally, a primer is provided between the first adhesive surface and the carrier element. While Hahn does not explicitly disclose the intermediate adhesion layer being formed by a film, it would have been obvious to provide the primer layer of Hahn in a form of a film, motivated by a desire to provide effective adhesion between the first self-sticking surface and the carrier element.

39. Claims 1, 3, 4, 7, 15, and 17 are directed to an invention not patentably distinct from claims 1-13 of commonly assigned US Patent No. 7,422,788B2 to Hahn. Although

the conflicting claims are not identical, they are not patentably distinct for the reasons set forth in paragraphs 37-38 above.

40. The U.S. Patent and Trademark Office normally will not institute interference between applications or a patent and an application of common ownership (see MPEP Chapter 2300). Commonly assigned US Patent discussed above, would form the basis for a rejection of the noted claims under 35 U.S.C. 103(a) if the commonly assigned case qualifies as prior art under 35 U.S.C. 102(e), (f) or (g) and the conflicting inventions were not commonly owned at the time the invention in this application was made. In order for the examiner to resolve this issue, the assignee can, under 35 U.S.C. 103(c) and 37 CFR 1.78(c), either show that the conflicting inventions were commonly owned at the time the invention in this application was made, or name the prior inventor of the conflicting subject matter.

41. Claims 1, 3, 4, 7, 15, and 17 are rejected under 35 U.S.C. 103(a) as being obvious over claims 1-13 of U.S. Patent No. 7,422,788B2 to Hahn.

42. The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an

invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2). For an explanation of the rejection see paragraphs 37-38 above.

Response to Arguments

43. Applicant's arguments filed on 05/14/09 have been fully considered but they are not found persuasive.

44. On page 7 of 05/14/09 amendment with respect to the 35 USC Section 103(a) rejections based on Hauptman (US 4,356,676) in view of Inouye et al. (US 5,112,682), applicant argues that there is no need to use the primer such as that of disclosed by Inouye in the invention of Hauptman, because Inouye teaches that his primer can be used with hardly adherable plastics.

45. The Examiner submits that Inouye's primer is useful when one desires to adhere plastic materials such as PET (i.e. polyesters), and plastics other than specifically mentioned by Inouye to like materials with the use of silicone adhesive, modified silicone adhesive etc. **or** in instances in which a silicone sealant, coating medium, potting medium or like is adhered to the surfaces of the above slightly adherent materials (e.g. polyester) (see column 8 lines 5-31). The primary reference of Hauptman applies a cured silicone rubber material to foamed core components that can be formed of polyesters (see column 3 lines 35-40 and abstract). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the primer layer of Inouye in the invention of Hauptman, motivated by the desire to provide suitable adhesion between the core of Hauptman and the sealing layer.

46. On page 7 of 05/14/09 amendment, applicant argues that "Additionally, Hauptman discloses the use of adhesives that have "the ability to tenaciously adhere" so this combination of actors result in a person of ordinary skill...On the other hand, that is not the case for the present invention which, as discloses, uses the intermediate layer so that first an initial, non-permanent positioning can be produced which can be subsequently fixed by the crosslinking of the adhesive as indicated in paragraph [0009] of the specification.".

47. The Examiner submits that the features upon which applicant relies (i.e., "uses of the intermediate layer for an initial, non-permanent positioning") are not recited in the

rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993). Further, the Examiner submits that the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). Further, as to applicant's arguments that Hauptman discloses that the adhesive have the ability to tenaciously adhere, this refers to the adherence of the pressure sensitive adhesive of Hauptman to the core not the cured silicone rubber sealing layers and it is these sealing layers for which the primer layer of Inouye et al. is being used to provide adhesion, not the pressure sensitive adhesive layers of Hauptman. Accordingly, applicant's arguments are not found persuasive.

Conclusion

48. **The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. EP 10 095 808 A2 (English translation attached) discloses a sealing element for use in vehicles.**

49. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANISH DESAI whose telephone number is (571)272-6467. The examiner can normally be reached on Monday-Friday, 8:00AM-4:30PM.

50. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

51. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. D./
Examiner, Art Unit 1794

/Callie E. Shosho/
Supervisory Patent Examiner, Art Unit 1794